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IAB # SH2342627

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IAB # SH2342627

EXHIBIT

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
07/13/15	Transit Services Bureau (North)	☐	☒

Incident Information

URN: 013-06012-6893-013	Date: 10/06/13 Time: 1530
City or Station: Transit Services Bureau (North)	Nature of Incident: Deputy Morales shot the suspect, as he wielded a wood dowel while aggressively advancing upon him.
Location: 6000 Block of West Venice Bl, Los Angeles	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)** (circled), Other: ____________

Lighting (*circle only one*): Darkness, **(Daylight)** (circled), Other, Street Lights

Weather (*circle only one*): Clear, **(Cloudy)** (circled), Fog, Rain

Distance: Between 5 - 7 Feet

Incident Type (*circle one or more*): Accidental, **(Armed Person)** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____________

Initiated by (*circle only one*): Arrest Warrant, Call, **(Observation)** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
7	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Bruce	Charles	M.	EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**M.I.**			
[redacted]	[redacted]				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**M.I.**			
[redacted]	[redacted]				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Hanley	Paul	M.	**(On Duty)** Present during shooting Witness to shooting Involved in shooting
				On Duty Present during shooting Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Chau	Veronica	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Shapiro	Barry	A.

PSTD Use Only
SH # ____________

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/06/13	1830	07/15/15	

Employee #	Last Name	First Name	M.I
[redacted]	Barron	Eric	A.
[redacted]	Martin	Daniel	W.
[redacted]	Mauldin	Donnie	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
S#1	E#1	OB					NN	
E#1	S#1	FH	BR	9	Y	Y	DH	CH

See Front Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Nam [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Officer Involved Shooting
Involved Employee Information

URN: 013-06012-6893-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Morales	First Name: Paul	M.I.: F.
Sex: M Race: H	Rank: DSG	Unit Assignment: Transit Services Bureau (North)	Work Assignment (Unit #, Module, etc.): 680B3
ShiftTime (*circle only one*): EM **(PM)** Day	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **(Uniform w/ Vest)**	Other Factors:
Age: 47 Height: 6'00 Weight: 185			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm	# Shots: 7	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 013-06012-6893-013

Suspect Information

S 1

Last Name Atkinson		First Name Darrell	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 49 D.O.B. 12/24/63	Height: 602 Weight: 258	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Incident: Deputy Involved Hit Shooting

LASD File #: 013-06012-6893-013

IAB File: SH2342627

OPENING STATEMENT

On Sunday, October 6, 2013, Internal Affairs Bureau (IAB) investigators Sergeant Eric Barron, Sergeant Daniel Martin, and Lieutenant Donnie Mauldin responded to the 6000 Block of West Venice Boulevard, regarding a deputy involved hit shooting in the city of Los Angeles. Internal Affairs Bureau Investigators and the Office of Independent Review were briefed by Sheriff's Homicide Bureau regarding the circumstances of the Deputy Involved Shooting.

SYNOPSIS

Deputies Charles Bruce and Paul Morales were seated in their patrol car under a freeway underpass monitoring returns on their Mobile Digital Terminal (MDT) from a pedestrian stop they had completed moments earlier. As Deputy Bruce continued to monitor the MDT, Deputy Morales exited their patrol car and contacted a transient (hereafter referred to as Suspect Atkinson) who was between ten to twenty feet away from their patrol car. During the contact, Suspect Atkinson retrieved a wooden club that measured one and a quarter inches in diameter and sixteen inches long, and advanced aggressively toward Deputy Morales. As Deputy Morales attempted to create distance by walking backward, Suspect Atkinson, who was walking forward, was able to close the distance between them. Suspect Atkinson refused to comply with Deputy Morales' orders to stop and drop the club. While continuing to aggress, Suspect Atkinson raised the club as if he was preparing to strike Deputy Morales with it. Believing Suspect Atkinson was going to strike him with the club, Deputy Morales shot Suspect Atkinson from approximately five to six feet away. Suspect Atkinson was transported to Cedars-Sinai Medical Center, where he was pronounced dead at 1813 hours.

Homicide Bureau detectives documented their investigation of this incident in their Homicide Book **(Exhibit A). Volume II** of this case is the Homicide Book **(Exhibit A)**. The District Attorney's Office reviewed the investigation and authored a Letter of Opinion stating Deputy Morales acted lawfully in self-defense, and there would be no further legal action from the District Attorney. For more information, see the Letter of Opinion **(Exhibit B)**.

SUMMARY

On Sunday, October 6, 2013, Deputies Charles Bruce and Paul Morales were working as partners assigned to Unit 680B3. Deputy Bruce was the driver and Deputy Morales was the bookman. Both deputies were members of the Bus Riding Team (BRT) at Transit Services Bureau (TSB), however, it was Deputy Morales' first day assigned to the team.

At approximately 1530 hours, the deputies stopped under a freeway overpass, of the Interstate 10 Freeway, to examine returns on the MDT of their patrol car. As Deputy Bruce was monitoring the MDT returns, Deputy Morales saw a male (hereafter referred to as Suspect Atkinson), approximately ten to twenty feet away, "low crawling" between a row of shopping carts and the concrete wall of the freeway underpass. Deputy Morales told Deputy Bruce he was going to make contact with the suspect. Before Deputy Morales exited the patrol car, he told Deputy Bruce to continue monitoring the MDT while he contacted the suspect.

Deputy Morales approached Suspect Atkinson, who was still crawling on the ground between the row of shopping carts and the wall. When he was approximately ten feet away from the row of shopping carts, Deputy Morales asked Suspect Atkinson what he was doing. Suspect Atkinson immediately stood up and looked at Deputy Morales, but did not say anything. Deputy Morales walked closer, and again asked, from approximately six feet away, "What are you doing?" Suspect Atkinson did not answer and continued to stare at Deputy Morales.

Suspect Atkinson's hands were blocked from Deputy Morales' view by the shopping carts. For officer safety reasons, Deputy Morales ordered Suspect Atkinson to show his hands. Suspect Atkinson did not comply, so Deputy Morales ordered him two additional times to show his hands, while he continued to walk toward him. After the third request to show his hands, Suspect Atkinson lifted his hands and put them inside the shopping cart that was between them. The shopping cart was full of items and had a blanket over it, which prevented a view of Suspect Atkinson's hands. Deputy Morales ordered Suspect Atkinson again to show his hands. Suspect Atkinson reacted by retrieving a club from the shopping cart and saying, "Fuck You," with a facial expression of extreme anger and agitation.

Deputy Morales ordered Suspect Atkinson, at gunpoint, to drop the club several times while he (Atkinson) walked around the row of shopping carts. When Suspect Atkinson reached the same side of the shopping carts as Deputy Morales, he advanced toward Deputy Morales. As he aggressed Deputy Morales, he held the club in an upright position, in front of him, as if preparing to strike him. Deputy Bruce saw what was occurring, exited the patrol car, and began to walk toward the rear of the patrol car on the driver's side.

Deputy Morales maneuvered backward in an attempt to create distance; however, Suspect Atkinson quickened his pace and was able to close the distance. As Deputy Morales retreated, he pointed his gun at Suspect Atkinson and repeatedly ordered him to stop and drop the club. As Suspect Atkinson continued to close the distance, he raised the club over his head. This caused Deputy Morales to believe Suspect Atkinson was going to strike him with the club. Deputy Morales continued to retreat and order him to stop and drop the weapon. He retreated up to a point where he felt he was going to fall off the sidewalk and onto the street. When Suspect Atkinson was approximately five to seven feet away, Deputy Morales held his position, and fired three rounds at the suspect. Deputy Morales reassessed the situation after firing the three shots, and noted Suspect Atkinson continued to advance toward him. This caused Deputy Morales to believe his shots missed the suspect. Deputy Morales reacted by firing three more rounds at the suspect. Deputy Bruce was near the driver's side rear quarter panel of the patrol car when Deputy Morales shot. A photograph of the wooden club is submitted in this case as **Exhibit C**.

IAB Note: During his reassessment, Deputy Morales believed the suspect still had his arm raised, but was not certain.

After the shots, Suspect Atkinson moved toward the shopping carts and fell to the ground. Deputy Bruce retrieved the wooden club from the ground and tossed into the passenger compartment of the radio car for safekeeping. He also broadcasted the emergency radio traffic and requested medical aid for the suspect. Pending the arrival of medical aid, Deputy Bruce covered Suspect Atkinson with a blanket to prevent shock. Suspect Atkinson was not searched or handcuffed, however, Deputy Morales monitored him at gunpoint until medical aid arrived and disrobed him. A compact disc of the emergent radio traffic is submitted as **Exhibit D** of this case.

Deputy Morales fired seven rounds of Department issued 9mm ammunition from his Department issued Beretta 92F. Seven expended 9mm cartridge casings were recovered from the scene and documented in the Homicide Investigation Book **(Exhibit A, pages 43, 78 and 79)**.

Suspect Atkinson sustained five gunshot wounds. Los Angeles County Deputy Medical Examiner, Lawrence Nguyen, performed the autopsy of Suspect Atkinson and described the wounds in an Autopsy Report. He described one of the wounds as "immediately life threatening" and another as "potentially life threatening". The other three wounds were categorized as "not life threatening". Refer to pages 120 – 125, of the autopsy report, for a scripted description of each gunshot wound; and pages 130 – 133 for an illustrated version of the wounds on Los Angeles County Coroner's Department diagram forms. The entire Autopsy Report is included in the Homicide Investigation Book **(Exhibit A, pages 120 – 142)**. Autopsy photos are included in this case as **Exhibit E**.

Homicide Bureau detectives obtained video footage of the incident from a nearby business, "Beverly Hills Rent-A-Car". The video is of good quality, however, the incident transpired too far away to capture it in detail. A DVD of this footage is submitted as **Exhibit F**, of this case.

Internal Affairs Bureau investigators utilized photographs of the incident scene during their interviews with Deputies Bruce and Morales. The photographs were used to develop an understanding of the location of the involved employees at the time of the shooting. The photographs used in the interviews with Deputies Bruce and Morales are submitted as **Exhibits G and H**, respectively.

INVOLVED PERSONNEL

Deputy Paul Morales [redacted]
Transit Services Bureau (North)
Unit 680B3, Bus Riding Team

Department Hire Date:	02-08-91
Date Assigned to Transit Services Bureau:	07-01-13
Date Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	None

SUSPECT

Atkinson, Darrell, MB/12-24-63 (Deceased)

CRIMINAL HISTORY: CII [redacted]

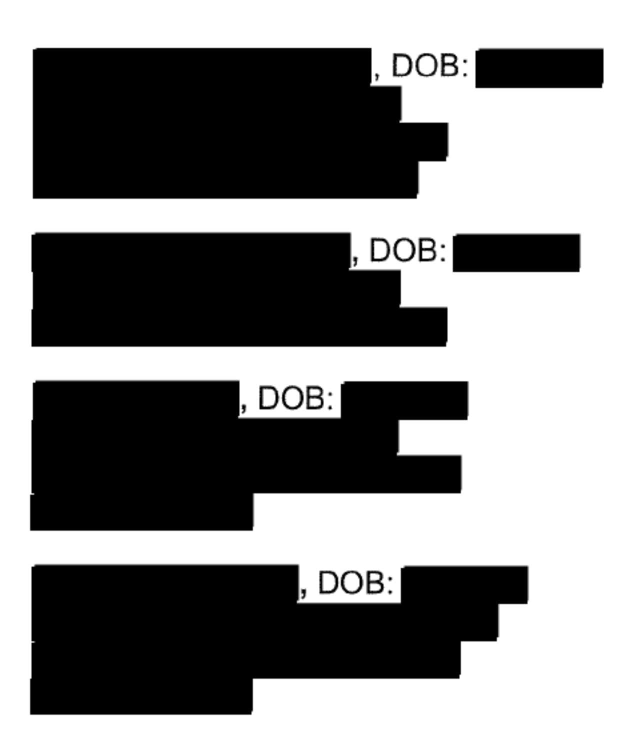
Suspect Atkinson's criminal history showed a [redacted] His Consolidated Criminal History Report System (CCHRS) printout is included in the Homicide Book **(Exhibit A, pages 101 - 104)**.

TOXICOLOGY FINDING:

Tests of the decedent were conducted by the Los Angeles County Coroner's Office. Neither alcohol nor illegal substances were not detected.

WITNESSES

Deputy Charles Bruce, [redacted]
Transit Services Bureau
Unit 680B3, Bus Riding Team



[redacted], DOB: [redacted]

[redacted], DOB: [redacted]

[redacted], DOB: [redacted]

[redacted], DOB: [redacted]

The area near the shooting scene was canvassed for witnesses. Additional persons were contacted by Homicide Bureau, however, those individuals did not see the actual shooting. Those contacts were documented in supplemental reports contained in the Homicide Book (**Exhibit A, pages 42 - 90**).

INJURIES

Suspect Darrell Atkinson – Five gunshot wounds; Three not life threatening, (1) to the left clavicle, (1) left chest, (1) left abdomen; one immediately life threatening to the right chest, and one potentially life threatening to the right lower chest. Deceased.

PHYSICAL EVIDENCE

All physical evidence was collected and documented by Scientific Services Bureau personnel. See pages 43-44 and 105-108 in the Homicide Book (**Exhibit A**) for more information.

WEAPON USED BY DEPUTY PAUL MORALES

Department issued Beretta 92FS, 9mm pistol, Serial# BER[redacted] & Department issued 9mm ammunition.

WEAPON USED BY SUSPECT

Dowel, solid wood, approximately sixteen inches in length and one and a quarter inches in diameter.

PROPERTY DAMAGE

There was no indication of property damage indicated in the Homicide Book.

CRIMINAL INVESTIGATORS

Homicide Detective Joe Espino
Homicide Detective Robert Kenney

IAB INTERVIEW OF DEPUTY MORALES

Deputy Morales was interviewed by Homicide Investigators on October 7, 2013. A summary of that interview may be found on pages 57- 62 in the Homicide Investigation Book (Exhibit A). Internal Affairs Bureau investigators reviewed the tape recording of the Homicide interview.

Internal Affairs Bureau investigators conducted a Force Review interview with Deputy Morales on June 18, 2015, to address tactical and policy protocols. Following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcriptions of both the Homicide and IAB interviews.

Deputy Morales told Internal Affairs Bureau investigators, even though the day of this incident was his first day assigned to the BRT, he was aware of the team's mission. He stated the mission of the team was to police the buses and address specific problems the bus lines experienced, i.e., robberies, thefts, vandalism, and things patrol did not have time to address. On occasion, the team would conduct saturation patrols of the bus lines, conduct on-board bus ridings, check the bus routes, and police the areas that affected the buses and passengers. He stated this incident occurred along one of the bus routes, however, he could not recall which route.

Deputy Morales indicated he and Deputy Bruce were partners, in the past, for years. He stated they shared the common duties of working a patrol car with one another and explained how those duties sometimes overlapped. The day of this incident, they did not discuss pre-planning for tactical incidents or back-up weapons, but they had in the past.

Deputy Morales said he saw a male (hereafter referred to as Suspect Atkinson) "low crawling" behind some shopping carts while Deputy Bruce was monitoring MDT returns from a stop they completed moments earlier. Based on Suspect Atkinson's suspicious behavior, and many of TSB's problems attributed to transients, Deputy Morales believed

the suspect was within the parameters of the BRT's mission and decided to contact him. Prior to getting out of the patrol car, he said something to Deputy Bruce implying it would be okay for him to stay in the car to continue monitoring the MDT returns.

Deputy Morales exited the patrol car and Deputy Bruce stayed inside. Suspect Atkinson was between ten to twenty feet away, when Deputy Morales asked him, "What are you doing over there?" Suspect Atkinson looked upset and quickly stood up, but did not answer.

Deputy Morales continued to walk toward him, and asked him again, "What are you doing?" He again did not answer.

Suspect Atkinson's hands were blocked from Deputy Morales' view by the shopping carts, so he ordered Suspect Atkinson two or three times to show his hands. As Deputy Morales requested to see his hands, he continued to walk toward the suspect. Deputy Morales continued to advance toward Suspect Atkinson because he was not sure if the suspect heard or understood him, because the environment was very loud due to vehicular traffic. Deputy Morales did not alert his partner when the suspect did not comply, because the suspect had not done anything to make him think he was a threat. That was also the reason Deputy Morales gave when asked by IAB investigators why he closed the gap in lieu of creating distance.

After the third request to see his hands, Suspect Atkinson shoved his hands into the shopping cart that was between them. However, Deputy Morales could not see his hands because they were underneath a blanket-type object that covered the top of the shopping cart. Deputy Morales believed the suspect was reaching for a weapon, but there was no time to retreat, because Suspect Atkinson immediately pulled out a club. As he pulled out the club, he looked extremely angry and screamed, "Fuck You!"

Deputy Morales reacted by drawing his gun, pointing it at the suspect, and ordering him to drop the club. As Suspect Atkinson raced around the shopping carts, Deputy Morales again yelled at him to "Drop it." While on the same side of the shopping carts as Deputy Morales, Suspect Atkinson raised the club to shoulder level, in a striking position, and advanced toward him very quickly. Deputy Morales retreated rapidly, while pointing his gun at Suspect Atkinson with his right hand, and keeping his left hand defensively outstretched.

IAB Note: **As Suspect Atkinson aggressed from behind the shopping carts, Deputy Morales did not actively alert Deputy Bruce because he was focused on the suspect and did not want to lose sight of him by turning toward his partner, who was 10-15 feet behind him.**

As Deputy Morales continued to retreat, Suspect Atkinson's pace increased, which closed the distance between them. Suspect Atkinson raised the club over his head as Deputy Morales continued to order him to stop. Deputy Morales retreated until he felt he was possibly going to fall off the sidewalk. At that point, in fear for his safety, he held his ground and fired three shots at Suspect Atkinson, from approximately six or seven feet away. Suspect Atkinson continued to advance, which caused Deputy Morales to think he missed, so he fired three more shots very rapidly, from approximately four to five feet away. After the second volley of shots, Suspect Atkinson stopped advancing. Deputy Morales estimated approximately one second elapsed between his two volleys of shots. He did not think there was time to use his OC or ASP, and he categorized Suspect Atkinson's actions to be in the Deadly Force category of the Department's Force Options Chart.

IAB Note: Deputy Morales did not have a taser at the time of the shooting.

After the shots, Deputy Morales realized Deputy Bruce was to his left. They both ordered Suspect Atkinson to get down on the ground, but he staggered toward the row of carts and fell to his back. Deputy Morales was aware there was a solid wall as his backdrop and there were no pedestrians in his line of fire.

WITNESS STATEMENTS

Homicide Bureau detectives canvassed the area in search of witnesses. Many of the people they contacted only heard the gunfire, but did not see the shooting; however, Homicide Bureau detectives audiotaped the contacts. Homicide Bureau investigators provided Internal Affairs Bureau investigators with a compact disc of the audio files that did not reveal eyewitness information **(Exhibit I)**. Homicide Bureau witness summaries and contacts from their canvassing can be found on pages 42-90 of the Homicide Investigation Book **(Exhibit A).**

IAB INTERVIEW OF DEPUTY BRUCE

Deputy Bruce was interviewed by Homicide Investigators on October 6, 2013. A summary of that interview may be found on pages 54-57 in the Homicide Investigation Book **(Exhibit A)**. Internal Affairs Bureau investigators reviewed the tape recording of the interview by Homicide Bureau investigators.

Internal Affairs Bureau investigators conducted a Force Review interview with Deputy Bruce on June 18, 2015, to address tactical and policy protocols. Following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcriptions of both the Homicide and IAB interviews.

On October 6, 2013, Deputy Bruce was assigned to the BRT of TSB. He worked PM shift that day with his partner, Deputy Morales. Deputy Bruce had been a member of the BRT for approximately a year and a half, and it was Deputy Morales' first shift as a member of the BRT. Deputy Bruce was the driver and Deputy Morales was the bookman. Deputy Bruce explained they had been partners for two years, approximately four years ago, while assigned to the Red Line at TSB.

During their past partnership, they frequently discussed tactics and different scenarios. Prior to the start of their shift, this day, they did not discuss any tactical issues or preplanning for any types of incidents. He remembered Deputy Morales carried a 9mm Beretta as his duty weapon and saw he still carried that same weapon. Deputy Bruce carried a .45 as his duty weapon, as he did when they were partners in the past. He said he carried an extra Beretta magazine for Deputy Morales on his gun belt. They did not discuss backup weapons on this day, however, in their past partnership they both knew neither of them carried one. Prior to this shift, he noticed Deputy Morales did not have a backup weapon in his pants.

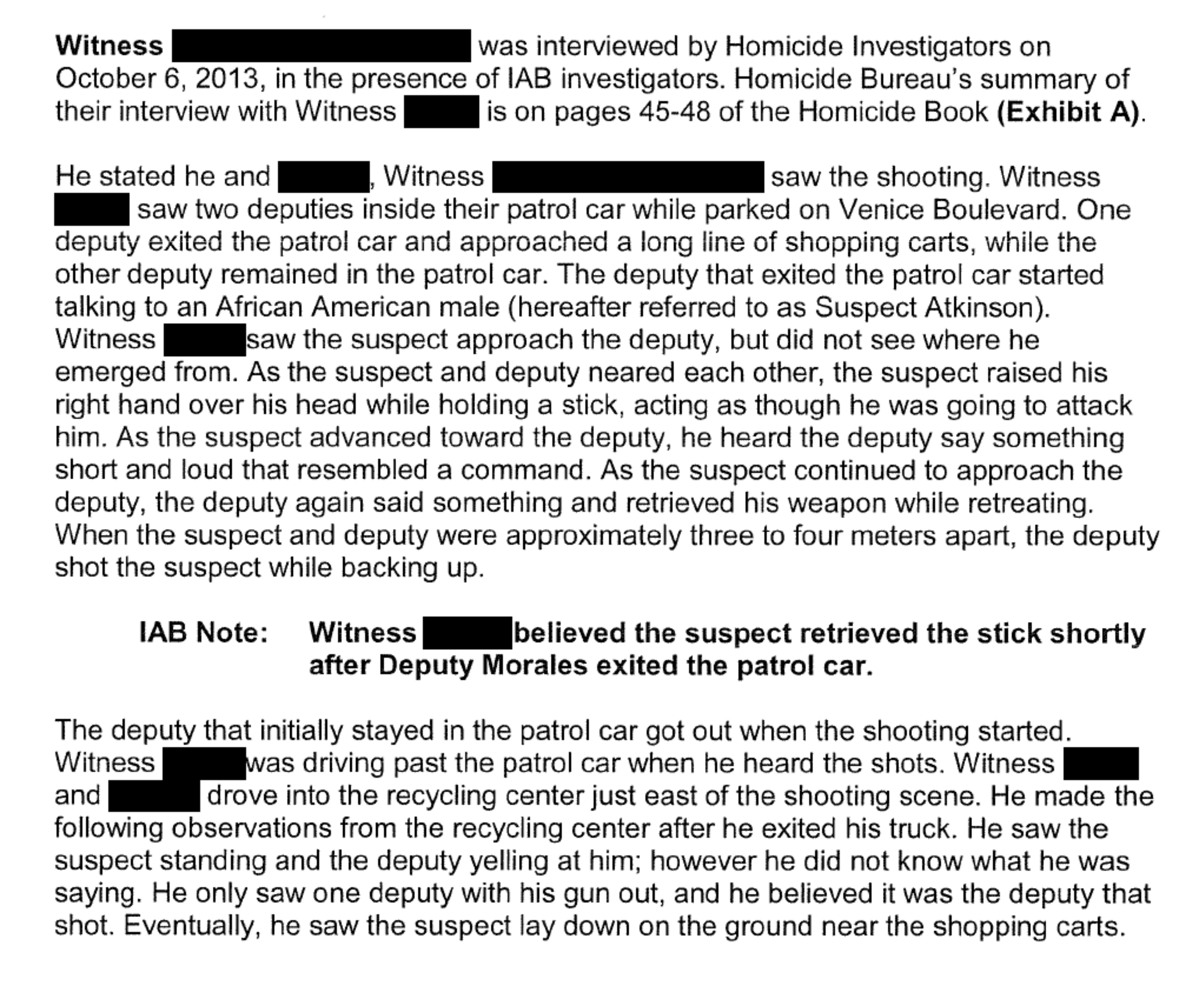
While driving eastbound on Venice Boulevard, Deputies Bruce and Morales began receiving MDT returns from an enforcement stop they had finished moments earlier. Deputy Bruce stopped their patrol car under the freeway overpass of the 10 Freeway so he could examine the returns, since he was familiar with the personal information of the subject from the enforcement stop. As Deputy Bruce monitored the returns, Deputy Morales told him he saw a "guy" moving around, behind some nearby shopping carts, and he was going to contact him. Deputy Bruce intended to exit the patrol car with Deputy Morales, but did not end up doing so because Deputy Morales told him something to the effect of "No, I got this" or "I'll take care of it." After Deputy Morales told him this, Deputy Bruce decided to stay in the car and monitor the MDT returns, in case a murder warrant, for example, returned they would still be close to the male from the contact they had just finished.

Deputy Morales made verbal contact with Suspect Atkinson while he was still between the row of shopping carts and the wall of the overpass. Deputy Bruce directed his attention back to the MDT. Moments later, he looked back up and saw Suspect Atkinson coming out from behind the shopping carts, with something in his hand near his hip, and heard his partner saying "Drop it" or "Let me see your hands." At this point he said he knew something was wrong. Deputy Bruce estimated it was ten to fifteen seconds between the time Deputy Morales made verbal contact to ordering Suspect Atkinson to drop the club.

As Deputy Bruce got out of the patrol car, Deputy Morales was moving backward, on the sidewalk, and telling Suspect Atkinson to "Drop it" or "Get Back." Once out of the patrol car, Deputy Bruce saw the suspect holding a club above his head, moving fast toward Deputy Morales. Deputy Bruce drew his gun and heard gunshots as he started walking toward the rear bumper of their patrol car. He was not looking at either Deputy

Morales or Suspect Atkinson when he heard the shots. He indicated he was probably looking at his feet because he did not want to trip or accidentally discharge his gun. Deputy Bruce heard the suspect tell Deputy Morales, "Fuck You," but he did not recall at what point in the incident.

After the shooting, Deputy Bruce saw the suspect still standing, but no longer advancing toward Deputy Morales. At first, since the suspect was still standing, he thought Deputy Morales' shots missed the suspect. Deputy Bruce was ready to shoot the suspect, but did not fire because he saw that he dropped the club. The suspect then collapsed and fell to his back. At some point Deputy Bruce picked up the club and threw it into the radio car, however, he was not certain if he did so before or after the suspect fell to the ground. Deputy Bruce estimated it was close to thirty seconds from the time Deputy Morales got out of the car to the time he heard the shots.



Witness [redacted] was interviewed by Homicide Investigators on October 6, 2013, in the presence of IAB investigators. Homicide Bureau's summary of their interview with Witness [redacted] is on pages 45-48 of the Homicide Book **(Exhibit A)**.

He stated he and [redacted], Witness [redacted] saw the shooting. Witness [redacted] saw two deputies inside their patrol car while parked on Venice Boulevard. One deputy exited the patrol car and approached a long line of shopping carts, while the other deputy remained in the patrol car. The deputy that exited the patrol car started talking to an African American male (hereafter referred to as Suspect Atkinson). Witness [redacted] saw the suspect approach the deputy, but did not see where he emerged from. As the suspect and deputy neared each other, the suspect raised his right hand over his head while holding a stick, acting as though he was going to attack him. As the suspect advanced toward the deputy, he heard the deputy say something short and loud that resembled a command. As the suspect continued to approach the deputy, the deputy again said something and retrieved his weapon while retreating. When the suspect and deputy were approximately three to four meters apart, the deputy shot the suspect while backing up.

IAB Note: Witness [redacted] believed the suspect retrieved the stick shortly after Deputy Morales exited the patrol car.

The deputy that initially stayed in the patrol car got out when the shooting started. Witness [redacted] was driving past the patrol car when he heard the shots. Witness [redacted] and [redacted] drove into the recycling center just east of the shooting scene. He made the following observations from the recycling center after he exited his truck. He saw the suspect standing and the deputy yelling at him; however he did not know what he was saying. He only saw one deputy with his gun out, and he believed it was the deputy that shot. Eventually, he saw the suspect lay down on the ground near the shopping carts.

Witness [redacted] said he took photos and video of the shooting scene after the shooting occurred with his cell phone.

Homicide Bureau detectives obtained the video footage and photos from Witness [redacted] cell phone. The photos and video footage are included in this case in **Exhibit J**, in a folder titled "Photos and Video from [redacted]"

Witness [redacted] was interviewed by Homicide Investigators on October 6, 2013, in the presence of IAB investigators. Homicide Bureau's summary of their interview with Witness [redacted] is on pages 48-50 of the Homicide Book **(Exhibit A)**.

Witness [redacted] saw a patrol car parked on the south curb of Venice Boulevard. A deputy exited the patrol car and walked toward a row of shopping carts near the underpass wall. There was a person (hereafter referred to as Suspect Atkinson) laying near the wall, and the row of shopping carts formed a barrier between the deputy and the underpass wall. As the deputy approached, Suspect Atkinson stood up and was holding a stick. The deputy appeared to be giving commands to the suspect and yelling, however, Witness [redacted] did not know what was said. Suspect Atkinson walked toward the deputy, holding the stick in his right hand, as if he was going to hit the deputy. Suspect Atkinson swung the stick at the deputy, with an overhand type of swing. The deputy retreated and shot five times at the suspect.

Later in the interview, Witness [redacted] stated he and [redacted] Witness [redacted] observed the shooting from the recycling center. The shooting began when they arrived at the recycling center, and they went into the recycling center when they first heard the shots. They came out after the gunshots were over to observe what was happening.

Witness [redacted] was interviewed by Homicide Bureau detectives on October 6, 2013, in the presence of IAB investigators. She said she was approximately fifty yards from the scene of the incident when she heard four gunshots in rapid succession. She did not see what occurred prior to the shooting, nor did she see the shooting itself. She saw a deputy pointing his gun at the suspect who was lying on the ground. She believed this was the deputy that fired his gun. This deputy then approached the suspect and checked his neck for a pulse. She saw the second deputy cover the suspect with a white colored blanket that he retrieved from the patrol car.

Witness [redacted] was interviewed by Homicide Bureau detectives on October 6, 2013, in the presence of IAB investigators. He said he was riding his bicycle westbound on Venice Boulevard when he heard a voice yell, "Get down!" He looked to his left, while he continued to ride his bike, and saw a deputy standing near the trunk of a police car with his gun drawn.

He saw Suspect Atkinson walking toward the deputy and then heard several gunshots. He saw light flash from the deputy's gun when he heard the shots. After hearing the shots, he stopped his bike to get a better view of what was happening. He did not believe the suspect had been hit by the gunfire because he continued to walk after the shots. He saw the suspect fall facedown after walking a few steps and the deputies covered him with a blanket.

Witness [redacted] noticed the police car and deputy after he heard the deputy yell "get down", and was not sure what transpired prior to hearing the deputy yell. Witness [redacted] focused his attention on the deputy holding the gun and was not sure if the suspect was holding anything at the time of the incident. He did recall a second deputy, but did not pay much attention to him or the suspect until after the shooting.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

September 24, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #13-0679
L.A.S.D. File #013-06012-6893-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 6, 2013, fatal shooting of Darrell Atkinson by Los Angeles County Sheriff's Department (LASD) Deputy Paul Morales. We have concluded that Deputy Morales acted in lawful self-defense.

The District Attorney's Command Center was notified of this shooting on October 6, 2013, at approximately 5:00 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator Mike Moursalian, responded and was given a briefing and walk-through of the scene by LASD Lieutenant Dave Dolson.

The following analysis is based upon reports and photographs submitted to this office by Detective Joe Espino of the LASD's Homicide Bureau. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On October 6, 2013, at 3:45 p.m., LASD Deputies Charles Bruce and Paul Morales were assigned to the Bus Riding Team at Transit Services Bureau. Deputies Bruce and Morales were dressed in LASD uniform and conducting patrol in a marked black and white patrol vehicle. Their duties included patrolling bus lines, conducting patrol along the bus routes, and travelling on buses while in uniform. Bruce was the driver and Morales was seated in the right front passenger seat of the vehicle.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: [redacted]

The deputies completed a stop of a bicyclist on Venice Boulevard near the 10 freeway for riding a bicycle on the sidewalk. After issuing the bicyclist a warning, they proceeded eastbound on Venice Boulevard. As they were travelling, Bruce pulled the patrol vehicle to the south curb of Venice Boulevard to read additional information that was posted on the vehicle's Mobile Digital Terminal (MDT). They stopped under the 10 freeway overpass and Bruce began to read the information sent via the MDT.

As Bruce read the MDT, Morales looked out his window and observed a line of shopping carts positioned parallel to the concrete underpass wall to the 10 freeway. Morales saw a man, later identified as Darrell Atkinson, on the ground crawling between the shopping carts and the concrete wall. Morales told Bruce that he was going to contact Atkinson and exited the vehicle.

Morales walked toward Atkinson and stopped approximately 10 feet from him, with the shopping carts positioned between them. Morales asked Atkinson, "What are you doing over there?" Atkinson stood up and looked at Morales, but did not verbally respond to the question. Morales took a few steps closer to Atkinson and again asked, "What are you doing?" Atkinson again did not answer Morales' question and continued to stare at him.

As Morales questioned Atkinson, Atkinson's hands were in front of his body and obscured by the shopping cart between them. Morales was concerned that he could not see Atkinson's hands and ordered him to show his hands. Again, Atkinson did not respond and continued to stare at Morales. Morales stepped closer to Atkinson, so that only a shopping cart separated their bodies. Morales again ordered Atkinson to show his hands. In response, Atkinson lifted his hands and placed them in the shopping cart.

The shopping cart was filed with several items which obstructed Morales' view of Atkinson's hands. Morales repeatedly ordered Atkinson to show his hands. Atkinson, appearing angry and agitated, responded, "Fuck you!" Morales, concerned with Atkinson's demeanor, drew his service weapon and pointed it at Atkinson. Atkinson pulled a wooden dowel from the cart and held it in both his hands in front of his body.[1]

Morales ordered Atkinson to drop the dowel. Atkinson did not comply, mumbled something incomprehensible, walked around the shopping cart, and quickly approached Morales. Morales ordered Atkinson to "Stop!" and "Drop the club!" Atkinson mumbled something that Morales could not understand and continued to walk towards Morales while holding the dowel in one hand extended out toward Morales.

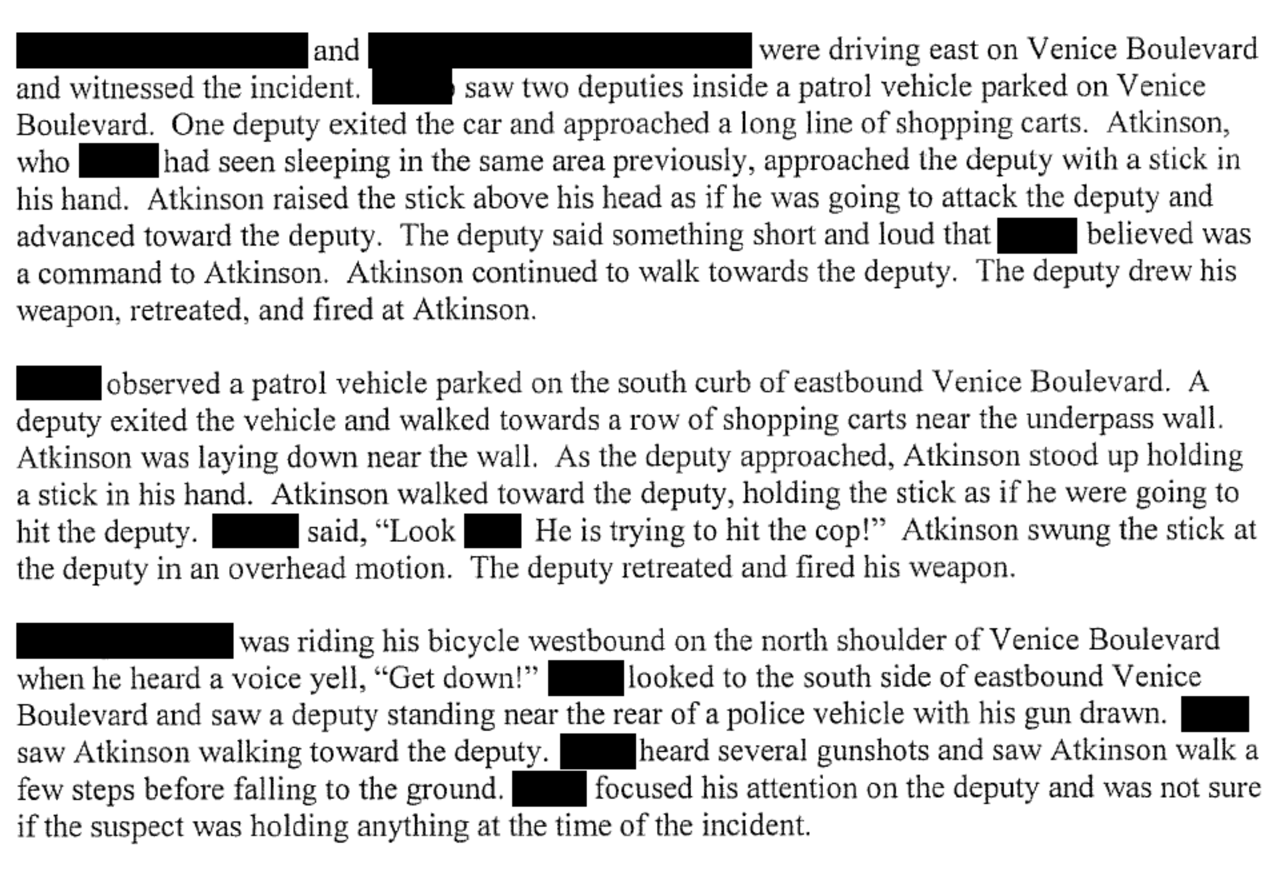
Morales repeatedly ordered Atkinson to drop the dowel and began to retreat. As Morales walked backwards to increase the distance between himself and Atkinson, Atkinson quickened his pace, closing the gap between them. As he advanced towards Morales, Atkinson appeared to be angry

[1] The wooden dowel measured approximately 16 inches long and 1 ¼ inches in diameter.

and raised the dowel, as if preparing to strike. Morales, believing that Atkinson was going to strike him in the head with the dowel, fired his service weapon several times.[2]

After firing his weapon, Morales continued to retreat and reassessed the threat that Atkinson posed. Atkinson remained standing and walked toward Morales. Morales again discharged his service weapon. Atkinson turned around and walked back towards the shopping carts. He leaned over a shopping cart, collapsed onto his knees, and fell to the ground.

Bruce approached, requested assistance and medical attention for Atkinson, and covered Atkinson with a blanket from the patrol vehicle.[3] Paramedics arrived and transported Atkinson to Cedars-Sinai Medical Center. At approximately 6:15 p.m., Atkinson succumbed to his injuries. On October 12, 2013, Deputy Medical Examiner Lawrence Nguyen, M.D., performed an autopsy on Atkinson and ascribed the cause of death as multiple gunshot wounds.



[redacted] and [redacted] were driving east on Venice Boulevard and witnessed the incident. [redacted] saw two deputies inside a patrol vehicle parked on Venice Boulevard. One deputy exited the car and approached a long line of shopping carts. Atkinson, who [redacted] had seen sleeping in the same area previously, approached the deputy with a stick in his hand. Atkinson raised the stick above his head as if he was going to attack the deputy and advanced toward the deputy. The deputy said something short and loud that [redacted] believed was a command to Atkinson. Atkinson continued to walk towards the deputy. The deputy drew his weapon, retreated, and fired at Atkinson.

[redacted] observed a patrol vehicle parked on the south curb of eastbound Venice Boulevard. A deputy exited the vehicle and walked towards a row of shopping carts near the underpass wall. Atkinson was laying down near the wall. As the deputy approached, Atkinson stood up holding a stick in his hand. Atkinson walked toward the deputy, holding the stick as if he were going to hit the deputy. [redacted] said, "Look [redacted] He is trying to hit the cop!" Atkinson swung the stick at the deputy in an overhead motion. The deputy retreated and fired his weapon.

[redacted] was riding his bicycle westbound on the north shoulder of Venice Boulevard when he heard a voice yell, "Get down!" [redacted] looked to the south side of eastbound Venice Boulevard and saw a deputy standing near the rear of a police vehicle with his gun drawn. [redacted] saw Atkinson walking toward the deputy. [redacted] heard several gunshots and saw Atkinson walk a few steps before falling to the ground. [redacted] focused his attention on the deputy and was not sure if the suspect was holding anything at the time of the incident.

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[2] Morales estimated the distance between them as 5-6 feet. Wtiness [redacted] believed that Morales and Atkinson were 3-4 meters apart at the time [redacted] fired.

[3] Deputy Bruce did not see the entire incident. Bruce was inside the patrol vehicle when he saw Atkinson walk around the shopping cart towards Morales holding a large dowel down by his leg. Atkinson advanced toward Morales as Morales retreated. Atkinson raised the dowel over his head as he walked toward Morales, appeared angry, and said, "Fuck you!" As Bruce exited the patrol vehicle, he heard five to seven gunshots.

Morales was armed with his duty weapon, a Beretta model 92FS - 9mm semiautomatic firearm. This firearm has the maximum capacity of sixteen rounds. When examined after this incident, the firearm contained a total of nine rounds. Seven expended 9mm casings were recovered at the scene.[4] Morales fired a total of seven rounds.

Atkinson was 44 years old at the time of his death. He was 6'2" tall and weighed 258 pounds.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 3470. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

The evidence examined in this investigation indicates that Deputy Paul Morales approached Darrell Atkinson, who was lying on the sidewalk near several shopping carts under the 10 freeway. Morales twice asked Atkinson "What are you doing?" Atkinson did not respond verbally, but stood up and stared at Morales. Morales could not see Atkinson's hands and ordered him to show his hands. Atkinson angrily responded, "Fuck you!" Morales, concerned, drew his weapon and Atkinson removed a wooded dowel from the shopping cart.

Morales ordered Atkinson to drop the dowel Atkinson was using as a weapon. Atkinson did not relinquish the wooden dowel. Instead, he walked around the shopping cart and quickly approached Morales. Morales repeatedly ordered Atkinson to drop the dowel and retreated in an attempt to distance himself physically from Atkinson. Atkinson closed the distance between them and raised the weapon as if he were going to strike Morales. Morales, in close proximity to

[4] Six casings were recovered on the date of the incident. Detectives recovered a seventh casing on October 7, 2013 when they returned to canvass for potential witnesses.

Atkinson and forced to make a split-second decision in a tense, uncertain, and rapidly-evolving situation, fired his duty weapon at Atkinson.

We conclude that Deputy Paul Morales was placed in reasonable fear of imminent danger of death or great bodily injury by Darrell Atkinson's actions and acted lawfully in self-defense when he used deadly force. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Amy Pellman Pentz
AMY PELLMAN PENTZ
Deputy District Attorney
[redacted]

c: Deputy Paul Morales [redacted]

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 21, 2015

FROM: STEPHEN B. JOHNSON, CHIEF
EAST PATROL DIVISION

TO: DONNIE L. MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2342627
Incident:	Hit Shooting
Incident Date:	October 6, 2013
Unit:	Transit Services Bureau
Suspect:	Atkinson, Darrell MB/12-24-63
Involved Employees:	Deputy Charles Bruce #[redacted] Deputy Paul Morales #[redacted]
EFRC Date:	August 20, 2015

The Executive Force Review Committee (EFRC) consisting of Chief Stephen B. Johnson and Commanders Patrick E. Maxwell, and Ralph J. Webb met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC recommended that Deputies Charles Bruce and Paul Morales attend eight hours of Tactics and Survival Training as well an 8-hour class regarding the handling of mental health individuals. The EFRC also recommended that the Unit Commander evaluate the mission of the Bus Riding Team and conduct a tactical debriefing of the incident.

SBJ:JRB:jrb